

City of Riverdale

Open Records Act Policy

Sec. 1.0. Definitions.

Public record means all documents, papers, letters, maps, books, tapes, photographs, computer based or generated information or similar material prepared and maintained or received in the course of the operation of the City. See O.C.G.A. § 50-18-70(a).

Sec. 2.0. Open Records Act requests.

Sec. 2.1. Form of requests. Whenever possible, Open Records Act (“ORA”) requests should be made in writing in order to specify the public records sought. The written request may be informal but should specify that the request is being made pursuant to the ORA. The City may ask that the requestor fill out a form utilized by the City, but completion of any such form is not mandatory to obtaining public records under the ORA. Requests that do not specify they are being made under the ORA will be treated as routine and processed, whenever possible, within 30 days.

Sec. 2.2. Available records. Existing public records that are sought by the ORA request, except those which by order of a court of this State or by law are prohibited or specifically exempted from being open to inspection by the public, shall be made available. See O.C.G.A. § 50-18-70(b). However, the City shall not be required to prepare reports, summaries or compilations not in existence at the time of the ORA request. See O.C.G.A. § 50-18-70(d).

Sec. 2.3. Timeframe for response. The individual in control of the public record(s) sought shall have a reasonable amount of time to determine whether or not the record(s) requested are subject to access under the ORA and to permit inspection and copying. In no event shall this time exceed three business days, calculated from the date and time that the City receives the ORA request. Where responsive records exist but are not available within three business days of the request, a written description of such records, together with a timetable for their inspection and copying, shall be provided within that period. See O.C.G.A. § 50-18-70(f).

Sec. 2.4. Costs.

Sec. 2.4.1. Costs to members of the public. Where fees for certified copies or other copies are specifically authorized or otherwise prescribed by law, such specific fee shall apply. See O.C.G.A. § 50-18-71(b). Where no fee is otherwise provided by law, the City will charge and collect a uniform copying fee of \$.25 per page. See O.C.G.A. § 50-18-71(c). In addition, a reasonable charge may be collected for search, retrieval and other direct administrative costs for complying with a request under the ORA. The hourly charge shall not exceed the salary of the lowest paid full-time

employee who, in the discretion of the custodian of the records, has the necessary skill and training to perform the request; provided however, that no charge shall be made for the first quarter hour. See O.C.G.A. § 50-18-71(d).

Sec. 2.4.2. Costs to employees, officials, etc. Employees, elected officials, appointed officials and other members of the City staff may, from time to time, needs copies of records in the course of performing their duties or for other lawful reasons. Any record requests made outside of an ORA request will be completed within 30 days at no cost to the employee/official. If, on the other hand, the employee/official designates his/her request as falling under the ORA, the employee/official will be charged the same amounts as members of the public, set forth in Sec. 2.4.1.

Sec. 2.4.3. Notification of costs. The City will notify the party making the ORA request of the estimated cost of the copying, search, retrieval and other administrative fees prior to fulfilling the request as a condition for the assessment of any fee. See O.C.G.A. § 50-18-71.2.

Sec. 2.4.4. Failure to pay costs. Whenever a person has requested one or more copies of public records and such person does not pay the copying charges and charges for search, retrieval or other direct administrative costs in accordance with this policy, the City is authorized to collect such charges in any manner authorized by law for the collection of taxes, fees or assessments owed to the City. See O.C.G.A. 50-18-71(g).

Sec. 3.0. Records not open for inspection.

Sec. 3.1. Public records exempted from the ORA. The following are exceptions to the ORA and said public records are not subject to disclosure under the Act:

(1) No records need be made available for inspection or copying if the City obtains, within that period of three business days, an order based on an exception in the ORA of a superior court of Georgia staying or refusing the requested access to such records. See O.C.G.A. § 50-18-70(f);

(2) Exhibits tendered to the City of Riverdale Municipal Court as evidence in a criminal or civil trial, unless prior approval from the Judge has been provided. See O.C.G.A. § 50-18-71.1(a);

(3) Records required by the federal government to be kept confidential. One example is EEOC charges and responses. See O.C.G.A. § 50-18-72(a)(1);

(4) Medical records or similar files, the disclosure of which would be an invasion of personal privacy. See O.C.G.A. § 50-18-72(a)(2);

(5) Except as otherwise provided by law, records compiled for law enforcement or prosecution purposes to the extent that production of such records would disclose: (a) the identity of confidential source; (b) confidential investigative or

prosecution material which would endanger the life or physical safety of any person or persons; or (c) the existence of a confidential surveillance or investigation. See O.C.G.A. § 50-18-72(a)(3);

(6) Records of law enforcement, prosecution or regulatory agencies in any pending investigation or prosecution of criminal or unlawful activity, other than initial police arrest reports and initial incident reports; provided, however, that an investigation or prosecution shall no longer be deemed to be pending when all direct litigation involving said investigation and prosecution has become final or otherwise terminated. See O.C.G.A. § 50-18-72(a)(4);

(7) Other than pursuant to court proceedings, personnel files of law enforcement officers. This exception does not apply to a law enforcement officer seeking a copy of his/her own personnel file or a request from a law enforcement unit considering the law enforcement officer for employment. See O.C.G.A. § 35-8-15(b);

(8) Georgia Uniform Motor Vehicle Accident (“Accident”) reports except under the following circumstances:

- (a) The ORA request is made by a person, attorney or representative representing such person or entity whose name or identifying information is contained on the Accident report; or
- (b) The requestor provides a written statement of need that satisfies the requirements of O.C.G.A. § 50-18-72(a)(4.1).

See O.C.G.A. § 50-18-72(a)(4.1);

(9) Records that consist of confidential evaluations submitted to or examinations prepared by the City in connection with the appointment or hiring of a public officer or employee. See O.C.G.A. § 50-18-72(a)(5);

(10) Records consisting of material obtained in investigations related to the suspension, firing or investigation of complaints against public officers or employees until 10 days after the same has been presented to the City or an officer for action or the investigation is otherwise concluded or terminated. See O.C.G.A. § 50-18-72(a)(5);

(11) Real estate appraisals, engineering or feasibility estimates or other records made for or by the State or City relative to the acquisition of real property until such time as the property has been acquired or the proposed transactions has been terminated or abandoned. See O.C.G.A. § 50-18-72(a)(6)(A);

(12) Engineers’ cost estimates and pending, rejected or deferred bids or proposals until such time as the final award of the contract is made, or the project is terminated or abandoned. See O.C.G.A. § 50-18-72(a)(6)(B); and

(13) Any other public records excepted from disclosure by federal, state or local law.

Sec. 3.2. Information that may be redacted from public records. The following information may be redacted prior to furnishing the public record:.

(1) Social security number, insurance or medical information contained in personnel records. See O.C.G.A.. § 50-18-72(a)(11.1); and

(2) Date of birth, mother's birth name, credit card information, debit card information, bank account information, financial data or information and insurance or medical information unless the exceptions to this rule under the ORA apply. See O.C.G.A. § 50-18-72(a)(11.3).